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REMARKS

The Office Action dated February 2, 2004, has been read and carefully considered and the present amendment is submitted to clarify the present invention and to distinguish that the invention over the cited references. Reconsideration is respectfully requested.

In the Office Action, Claims 1 and 42-43 were rejected under 35 U.S.C. § 112, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Also, Claims 1, 18, 35 and 40-46 were rejected under 35 U.S.C. § 102 (b) as allegedly anticipated by U.S. Patent no. 4,995,081 to Leighton et al. ("the Leighton et al. patent") and Claims 48-50 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent no. 5,668,874 to Kristol et al. ("the Kristol et al. patent"). Further, Claims 2-17, 19-28, 36, 37 and 39 were rejected as allegedly obvious under 35 U.S.C. § 103 over the Leighton et al. patent in view of "Best Recommendations For Use of Magnetic Stripes, American Association of Motor Vehicles Administrators, Ver. 2.0, April 1996 ("the AAMVA reference") and Claims 29-34 and 38 were rejected as allegedly obvious under 35 U.S.C. § 103 over the Leighton et al. patent and the AAMVA reference and further in view of U.S. Patent no. 5,722,526 to Sherrard. ("the Sherrard patent"). Lastly, claim 47 was rejected as allegedly obvious under 35 U.S.C. § 103 over the Leighton et al. patent in view of the Sherrard patent.

In response, claims 1-50 were canceled and new claims 51-76 have been added to now recite apparatus and methods for reading information from a driver license in an age-related activity in a more particular fashion. No new matter has been added. For the Examiner's convenience, the attached Table A provides a cross-reference between the added claims and citations to the portions of the specification providing corresponding support.

New Claims 51-76

In general added independent apparatus claim 51 and its dependent claims 52-63 are directed to an apparatus having an information reader for reading information from a driver license, a processor for executing instructions to determine an issuing jurisdiction identifier from

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the information read from the driver license, and then extracting date of birth and expiration date information from the read information based on an expected organizational format corresponding to the determined jurisdiction identifier. These claims further specify that the processor checks the extracted date of birth and/or expiration date information for conformance to predetermined values. If this check is successful, an age is calculated and displayed. If not, an indication of an unsuccessful check is displayed.

In a corresponding manner, added independent method claim 62 and its dependent claims 63-76 are directed to a method for reading information from a driver license in an age-related activity including reading machine-readable information from a driver license (e.g. magnetic or bar code information), determining an issuing jurisdiction identifier from such information, and then extracting date of birth and expiration date information from the read information based on an expected organizational format corresponding to the determined jurisdiction identifier. These method claims further specify that the extracted date of birth and/or expiration date information is checked for conformance to predetermined values. If this check is successful, an age is calculated and displayed. If not, an indication of an unsuccessful check is displayed.

The corresponding dependent claims particularly point out and further limit features of the invention claimed in claims 51 and 64. In particular, claims 52 and 65 are directed to verifying a parity checksum of the data read from the driver license; claims 53 and 54, and 66 and 67 add checking for the absence of expected information based on the determined issuing jurisdiction identifier; claims 55 and 68 recite that jurisdiction character set information is also determined and the check instruction further checks the jurisdiction character set information for conformance to associated values, claims 56, 57, 69, 70 provide for the displaying of an expiration date or driver license number information; claims 58 through 61 and 71-74 are further limit where the apparatus would operate and where the method would be performed, e.g., for ingress to a gambling establishment or with a vending machine; and claims 62 and 63, and 75 and 76 are directed to the use of magnetic and barcode reading of the driver license information.

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35 U.S.C. §§102 and 103 Rejections

Applicant respectfully submits that the prior art references relied on in the Office Action, namely the Leighton et al. patent, the Kristol et al. patent, the AAMVA reference and the Sharrard patent do not disclose, teach or suggest, alone or in combination, the features claimed in added claims 51-76. More specifically, these references, alone or in combination, do not show apparatus or methods with the limitations of added claims 51 and 64 of (1) determining a jurisdiction identifier from information read from the driver license and extracting the date of birth and expiration date information from the read information based on an expected organizational format corresponding to the determined jurisdiction identifier, and (2) checking the extracted date of birth and/or expiration date information for conformance to predetermined values and calculating and displaying an age for a successful check or providing an indication of an unsuccessful check.

The Leighton et al. patent

The Leighton et al. patent teaches a technique for personal identification cards, such as credit cards or driver licenses, that employs a password (which need not be memorized by the card holder), and encryption for preventing the unauthorized use thereof. In particular, an authorized user of the card is assigned a password having a first portion (public-key) assigned by the issuer and a second portion (private-key) generated based on a "public" characteristic or the user. Examples of the "public" characteristic or the user can be data representing a pictorial representation of a physical characteristic of the authorized user, such as the face, fingerprint, voice sample, user's age or address. The password is encrypted to produce a digital "signature" which along with the password is stored on the card.

In order to authorize a transaction at a transaction terminal with the card, the digital "signature" must be read and be shown to have been generated from the password of the received card. The transaction terminal further processes the decrypted password to display a representation of the encoded user's characteristic, such as the digitized pictorial representation of the authorized user's face. The operator of the transaction terminal then compares and verifies

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the displayed authorized user's characteristic to the corresponding characteristic of the card holder in order to authorize the transaction. Col. 6, lines 4-31, describes a multi-issuer implementation where cards issued by different issuers can be processed at a single transaction terminal. The transaction terminal would have recorded the respective public-key password portions for the respective issuers and the operator would enter the identity of the issuer or it would be encoded on the card.

However, the Leighton et al. patent fails to teach or suggest using an identifier of an issuing jurisdiction to determine the organizational format of the information recorded on the card and to correspondingly extract date of birth and expiration date information from the information read from the driver license based on an expected organizational format corresponding to the determined jurisdiction identifier. No where does the Leighton et al. patent suggest that machine-readable information can be organized based on different arrangements for different respective issuing jurisdictions. The Leighton et al. patent only discusses the use of different public encryption keys for respective different issuing jurisdictions.

Moreover, the Leighton et al. patent does not teach or suggest a verification of the card that without involving intervention by the operator of a transactional terminal. Accordingly, the Leighton et al. patent does not teach or suggest checking of the date of birth and/or expiration date information for conformance to predetermined values and, then, calculating an age and displaying it for a successful check, and further displaying an indication of an unsuccessful check.

In light of the foregoing, withdrawal of the rejection based on this reference is respectfully requested.

The Kristol et al. patent

The Kristol et al. patent adds little or nothing to the teaching of the Leighton et al. patent relative to the added new claims 51-76. The Kristol et al. patent relates to an identification card verification system that employs a recorded image "signature" in a similar manner to that described in the Leighton et al. patent. However, the Kristol et al. patent describes a verification

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system that does not rely on a transactional terminal operator to provide the verification as is taught by the Leighton et al. patent. Instead, the Kristol et al. patent teaches an identification card that uses the recorded image "signature" to identify whether someone has tampered with or substituted the card holder's photograph carried on the card.

More specifically, the Kristol et al. patent teaches a verification system that employs an identification card that carries an image and a corresponding recorded image "signature," wherein the image "signature" is derived from optical values contained within the image at specific reference points. In operation, the verification system scans the image on the identification card for optical values at the specific reference points which are then compared to the corresponding recorded image "signature" to verify that there have been no alterations to the card. See col. 1, lines 14-18, col. 2, lines 21-33 and lines 54-61.

Thus, the Kristol et al. patent merely teaches a self-verifying identification system and in no way addresses the problem of age verification for an age-related activity as claimed in added claims 51-76 different formats in various jurisdictions. As a consequence, the Kristol et al. patent does not teach any apparatus or method that determines and uses an identifier of an issuing jurisdiction to determine the organizational format of the information recorded on a driver license and to correspondingly extract date of birth, and expiration date information from the information read from the driver license based on an expected organizational format corresponding to the determined jurisdiction identifier. Nor does the Kristol et al. patent teach that machine-readable information can be organized in different arrangements based on different respective issuing jurisdictions or that the extracted information may be checked for conformance to predetermined values and, if this check is successful and age is calculated and displayed. If not successful, an indication of the unsuccessful check is displayed. Accordingly, withdrawal of the 35 U.S.C. § 102 rejection based on the Kristol et al. patent is earnestly solicited.

The AAMVA reference

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The AAMVA reference fails to disclose, teach or suggest any technique for reading information from a driver license for use in an age related-activity as claimed in added claims 51-76. Nor does this reference teach or suggest any technique for verifying a license bearer's age. The AAMVA reference, pp. 8-12, merely specifies data field formats for the three tracks of a magnetic strip for an identification card.

Moreover, the AAMVA reference teaches away from any combination with other systems that would inhibit the sharing of data contained within the magnetic stripe data fields such as those systems that rely on password protected and encrypted magnetic stripe data fields, including those described in the Leighton et al. and Kristol et al. patents. More specifically, the AAMVA reference, p. 5, first paragraph, states that the intent of the document is to "describe a "BEST PRACTICE" that would increase the use and sharability of the data that is represented in the license/identification" card. The same paragraph of the AAMVA reference further specifies that the intent of this best practices document is "to ensure that the machine readable content of a driver license/identification would be in a format that would be consistent and shared with other entities interested in using the license for information."

The password protection or encrypting of the data contained in the data fields of the Leighton et al. and Kristol et al. patents would inhibit, i.e., not ensure, the sharing of such data and thwart the intent of this reference. The Leighton et al. and Kristol et al. patents teach password protected and encrypted data fields on the magnetic stripe for the contrary purpose of protecting and not broadly sharing the data contained therein. As a consequence, the AAMVA reference and the Leighton et al. and Kristol et al. patents respectively teach away from their combination. Accordingly, one skilled in the art at the time that the claimed invention was made would not combine these references having contrary purposes in the reading and use of data contained on magnetic stripes. Accordingly, it is respectfully requested that the 35 U.S.C. §103 rejection based on the AAMVA reference be withdrawn.

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The Sharrard Patent

The Sharrard patent discloses a device that attaches to a vending machine that dispenses age restricted products, such as cigarettes or beer. The vending machine includes a slot to receive the driver's license, and an optical reader then reads the date of birth from the driver's license. A microprocessor in the device calculates the individual's age based upon the birth date on the driver's license. If the individual is under a predetermined age then a diverter switch directs the coins to pass directly to the coin return, thereby preventing dispensing of product. If the individual is of legal age, the diverter switch allows coins to pass into the vending machine and product to be dispensed.

The Sharrard patent fails to teach checking an expiration date or a technique for reading driver licenses of multiple jurisdictions having different data organization formats of the present invention as is claimed in added claims 51-76. As a consequence, the Sharrard patent fails to teach or suggest the claimed features of employing an identifier of an issuing jurisdiction to determine the organization format of the information recorded on a driver license and to correspondingly extract date of birth and expiration date information from the information read from the driver license based on an expected information format corresponding to the determined jurisdiction identifier.

Combining the password protected and encrypted data format of the magnetic stripes, based on different issuing jurisdictions or otherwise, of the Leighton et al. patent with the teachings of the Sharrard patent still does not show the use of issuing jurisdiction identifiers to determine the organization format of the information recorded on a driver license and to correspondingly extract date of birth, and expiration date information from the information read from the driver license based on an expected information format corresponding to the jurisdiction identifier as is claimed in added claims 51-76. The further addition of the recommended data field format taught in the AAMVA reference does little or nothing to show these claimed features. Accordingly, withdrawal of the 35 U.S.C. §103 rejections based on the Sharrard patent is respectfully requested.

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35 U.S.C. §112 Rejection

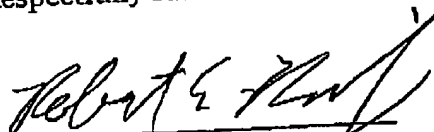
The terms identified by the Office Action that gave rise to the 35 U.S.C. §112 rejection have been omitted in the new claims 51-76. Accordingly, withdrawal of this rejection is also respectfully requested.

Correspondence

Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5496. Telephone calls should be made to Robert E. Rudnick at (973) 596-4727 and fax communications should be sent directly to him at (973) 639-8318.

If any additional fees are due in respect to this amendment, please also charge them to Deposit Account No. 03-3839.

Respectfully submitted,



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Table A

| | Claims | Citations in the Specification |
|--|--------|---|
| 51. An apparatus for reading information from a driver license for use in an age-related activity comprising: | | Page 2, lines 6-15. |
| an information reader for reading machine readable information from said driver license; | | Fig. 1, ref. nos. 30 and 32. Page 7, lines 1-3. |
| a processor responsive to said machine readable information read by said information reader and operable to execute instructions to | | Fig. 1, ref. no. 12 and page 5, lines 5-8. |
| (a) determine an identifier corresponding to an issuing jurisdiction of the driver license from said read information, | | Fig. 4A, ref. no. 222 and page 14, lines 28-30. |
| (b) extract date of birth and expiration date information from said read information based on an organizational format corresponding to said determined identifier, | | Fig. 2A, ref. nos. 120, 126 and 128. Page 11, lines 35-39. |
| (c) check at least one of the extracted date of birth and extracted expiration date information for conformance to predetermined values, and | | Page 19, lines 3 and 8-10. |
| (d) calculate an age in response to successful checking of values by instruction (c); and | | Fig. 3, ref. 172. Page 13, lines 4-6. |
| a display responsive to said processor and operable to display at least said calculated age and to indicate an unsuccessful check for conformance by instruction (c). | | Page 19, lines 3-6. |
| 52. The apparatus of claim 51 wherein the processor also executes at least one instruction to determine and verify parity checksum of said read information. | | Fig. 4B, ref. no. 308. Page 18, line 39 to page 19, line 1. |
| 53. The apparatus of claim 51 wherein the processor also executes at least one instruction to check for an absence of expected information in said read information based on said determined identifier. | | Page 18, lines 1-5. |
| 54. The apparatus of claim 53 wherein said instruction to check | | Fig. 4A, ref. nos. 234, 240. |

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| for the absence of expected information is a check for blank tracks. | Page 16, lines 3-4. |
| 55. The apparatus of claim 51 wherein the determine instruction further determines jurisdiction character set information and the check instruction further checks the jurisdiction character set information for conformance to associated values. | Page 10, lines 2-10. |
| 56. The apparatus of claim 51 wherein the processor is further operable to execute instructions to cause the display to indicate said expiration date. | Page 9, lines 5-10, Fig. 2A, ref. no. 120 and Fig. 2B, ref. no. 134. |
| 57. The apparatus of claim 51 wherein the processor is further operable to execute instructions to extract driver license number information and to execute instructions to cause the display to indicate said driver license number. | Page 9, lines 5-10, Fig. 2A, ref. no. 126 and Fig. 2B, ref. no. 134. |
| 58. The apparatus of claim 51 wherein said age restricted activity is age verification of a bearer of said driver license at an ingress to an establishment with an age requirement. | Page 2, lines 6-15. |
| 59. The apparatus of claim 58 wherein said establishment is a gambling establishment. | Page 2, line 9. |
| 60. The apparatus of claim 51 wherein said apparatus is coupled to a vending machine of tobacco and/or alcohol products. | Page 2, line 8. |
| 61. The apparatus of claim 51 wherein said age restricted activity is the age verification of a bearer of said driver license at a point of sale for tobacco and/or alcohol products. | Page 2, line 8 and page 24, lines 22-26. |
| 62. The apparatus of claim 51 wherein said information reader is a magnetic reader. | Fig. 1, ref. no. 32 and page 7, lines 1-3. |
| 63. The apparatus of claim 51 wherein said information reader is a bar code reader. | Fig. 1, ref. no. 30. Page 7, lines 1-3. |
| 64. A method for reading information from a driver license for use in an age-restricted activity comprising the steps of: | Page 2, lines 6-15. |
| (a) reading machine readable information from a driver license; | Fig. 1, ref. nos. 30 and 32. Page 7, lines 1-3. |
| (b) determining an identifier corresponding to an issuing | Fig. 4A, ref. no. 222, |

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| jurisdiction of the driver | license from said read information; | page 14, lines 28-30. |
| (c) extracting date of birth and expiration date information from said read information based on an expected organizational format corresponding to said determined identifier; | | Fig. 2A, ref. nos. 120, 126 and 128. Page 11, lines 35-39. |
| (d) check at least one of the date of birth and expiration date information for conformance to predetermined values; | | Page 19, lines 3 and 8-10. |
| (e) calculating an age and displaying at least said calculated age in response to successful check by instruction (d); and | | Fig. 3, ref. no. 172. Page 3, lines 4-6. |
| (f) displaying an indication in response to an unsuccessful check by instruction (d). | | Page 19, lines 3-6. |
| 65. The method of claim 64 further comprising the step of determining and verifying parity checksum of said read information. | | Fig. 4B, ref. no. 308. Page 18, line 39 to page 19, line 1. |
| 66. The method of claim 64 further comprising the steps checking for absence of expected information in said read information based on said determined identifier. | | Page 18, lines 1-5. |
| 67. The method of claim 66 wherein said checking step includes checking for blank tracks. | | Fig. 4A, ref. nos. 234, 240. Page 16, lines 3-4. |
| 68. The method of claim 64 wherein step (d) further comprises determining jurisdiction character set information and said verifying is based on at least one of the date of birth, expiration date and character set information. | | Page 10, lines 2-10. |
| 69. The method of claim 64 further comprising the step of displaying said expiration date. | | Page 9, lines 5-10, Fig. 2A, ref. no. 120 and Fig. 2B, ref. no. 134. |
| 70. The apparatus of claim 64 further comprising the step of displaying said driver license number. | | Page 9, lines 5-10, Fig. 2A, ref. no. 126 and Fig. 2B, ref. no. 134. |
| 71. The method of claim 64 further comprising the step of displaying an indication for granting or denying a driver license bearer ingress to an establishment with an age requirement. | | Fig. 4D, ref. no. 410. Page 23, lines 15-17. |

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| 72. The method of claim 71 wherein said establishment is a gambling establishment. | Page 2, line 9. |
| 73. The method of claim 64 wherein said method further comprises the step of providing a vend or no-vend signal to a tobacco and/or alcohol product vending machine. | Fig. 4D, ref. no. 410. Page 25, line 5. |
| 74. The method of claim 64 wherein said age restricted activity is the age verification of said bearer at a point of sale for tobacco and/or alcohol products. | Page 2, line 8 and page 24, lines 22-26. |
| 75. The method of claim 64 wherein said reading step further comprises reading magnetic tracks of said driver license. | Page 15, lines 10-14. |
| 76. The method of claim 64 wherein said reading step further comprises reading optical machine readable information on said driver license. | Fig. 1, ref. no. 30. Page 7, lines 1-3. |

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